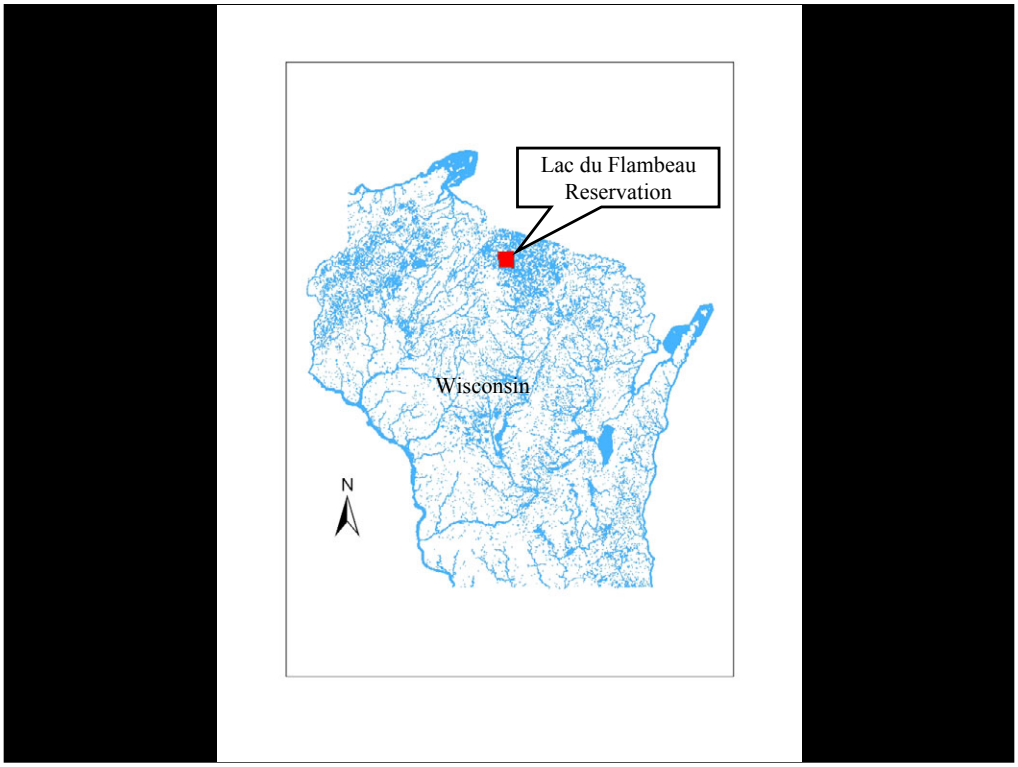
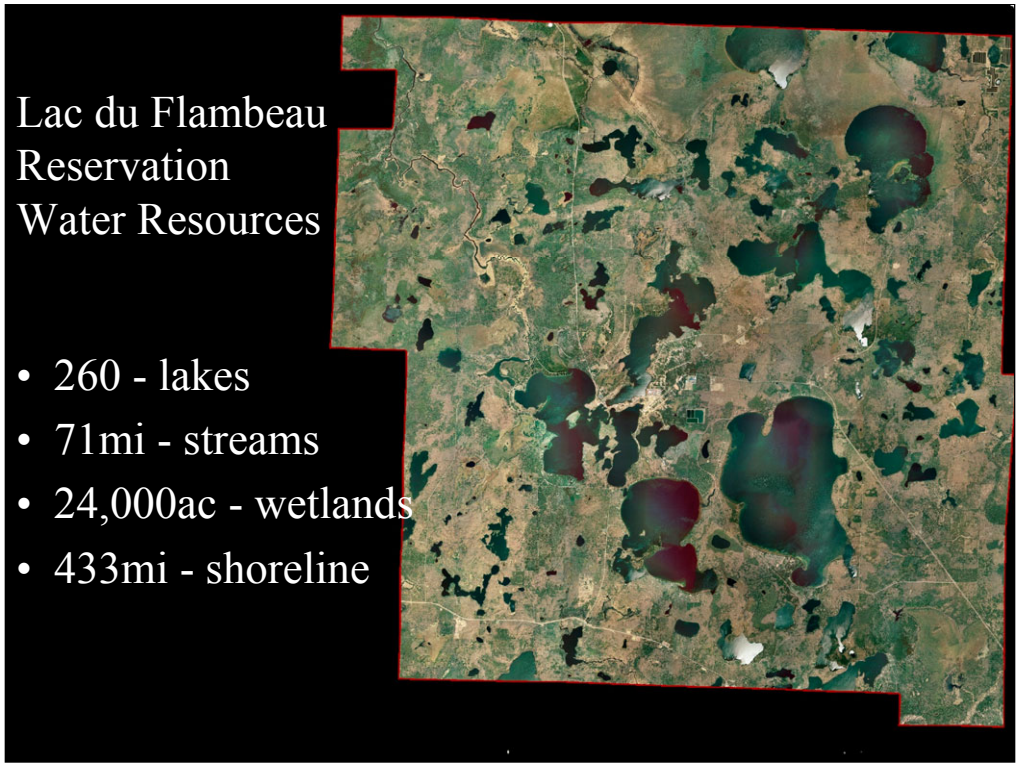

Lac du Flambeau Tribe has always been connected to the water as evident from the name given when French traders saw them fishing by torch light, thus “Lac du Flambeau” or “Lake of the Flaming Torches”.




Lac du Flambeau is a 12 miles by 12 miles Reservation located in northern Wisconsin’s lake dense region as seen on this map of Wisconsin's hydrologic layer.




The Reservation is almost half wet with 260 lake, 71miles of streams, and 24,000 acres of wetlands. There is also 433 miles of shoreline were the majority of the development occurs and this development near water tends to lead to the nonpoint source pollution.

# 319 TAS

- **The Tribe is Recognized by the Secretary of the Interior**
- **The Tribe has a governing body carrying out substantial Governmental duties and powers.**
- **Nonpoint Source Management Program**
- **The Tribe is reasonably expected to be capable of carrying out the functions of an effective Nonpoint Source Pollution Management program.**
- **Additional Direction and Authority**

The requirements for 319 are similar to other clean water act TAS documents with the exception of the assessment and management plan. We submitted the Tribes federal register number, TAS letters for other CWA programs, Maps, the Tribal Constitution, and the Tribal Court Code to show the tribe is federally recognized. We submitted our latest audit and a description of the tribes organizational structure in addition to the other document to show the governmental powers. To prove the tribes capability to run the program we sent our resumes, current water codes, and the management assessment and plan.

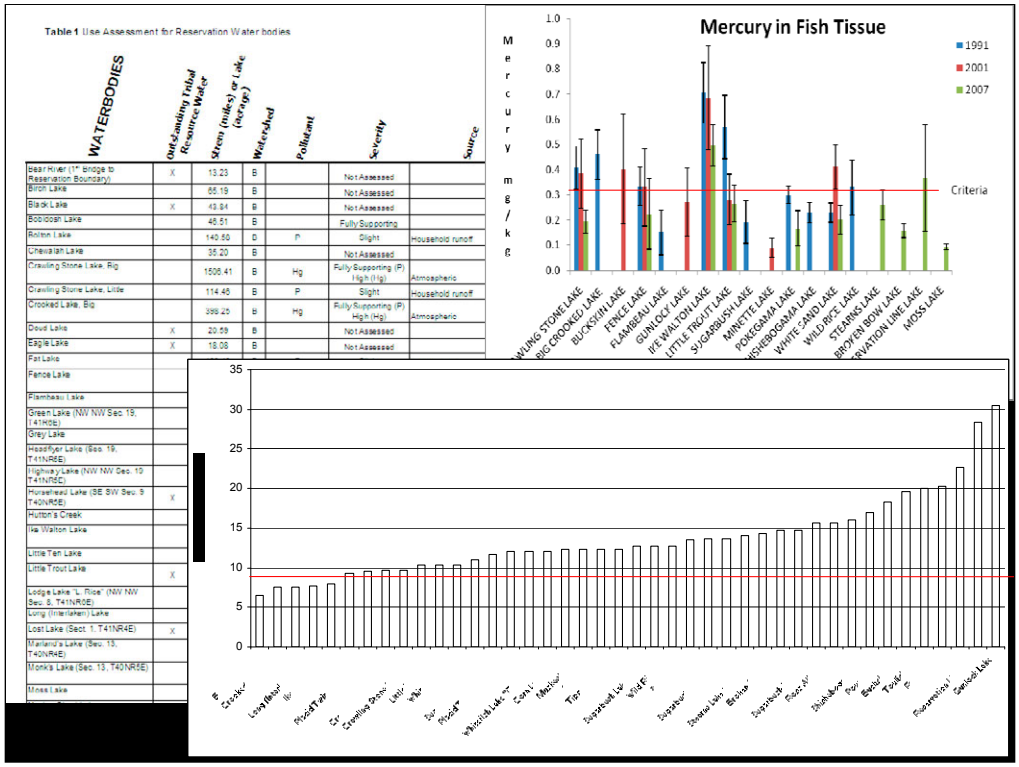
List of attachments to the 319 treatment as a state application

**List of Attachments**

| | |
|---|---|
| Lac du Flambeau Nonpoint Source Assessment | |
| Lac du Flambeau Nonpoint Source Management Program | |
| Current Tribal Water Quality Standards | Attachment A |
| LDF Reservation Watershed and Wetland Map | Attachment B |
| Map of location of the Reservation in relation to the State of Wisconsin and surrounding counties. | Attachment C |
| Land Ownership – Lac du Flambeau Reservation Outstanding Resource Waters and Developed Areas Map | Attachment D |
| The Tribal Natural Resources Department Green Sheet Process | Attachment F |
| Water Resource Specialist Resume | Attachment G |
| Reservation Water and Shoreline Protection and Enhancement Ordinance | Attachment H |
| Lac du Flambeau Source Water Protection Code | Attachment I |
| Lac du Flambeau Boating Safety Ordinance | Attachment J |
| Tribal Solid Waste Code | Attachment K |
| Statement of Legal Counsel | Attachment L |
| Tribal Council Resolution | Attachment M |
| Approval letters for Sections 106, 314, 303, and 401 of CWA | Attachment N |
| Tribal Constitution | Attachment O |
| Recent Accounting Audit | Attachment P |
| Tribal Organizational Structure | Attachment Q |
| Responsiveness Summary to Public Comment | Attachment R |
| Integrated Resource Management Plan | Attachment S |

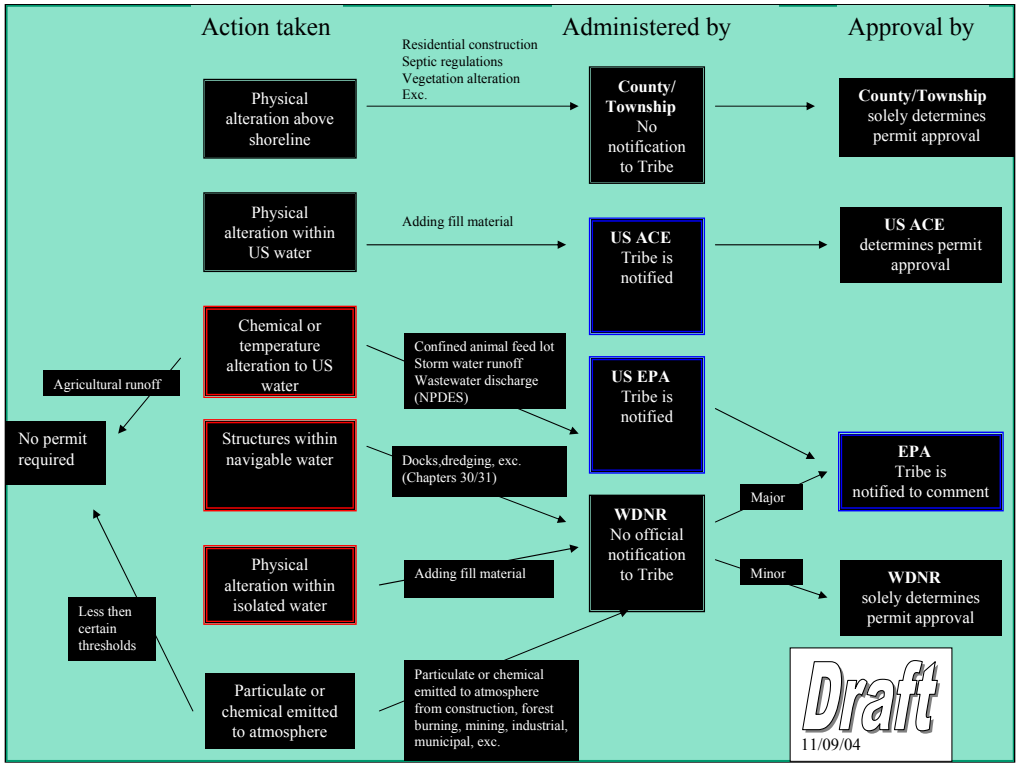
Here is the list of attachments we sent in the TAS application


Lac du Flambeau started the 106 program in 1991. Most of the documents included as attachments were developed under the 106 program, but also BIA, NRCS, USGS, ACE, HHS, and other agencies funded projects to advance the Tribal Water Program. But 106 funding was the primary source used to collect the baseline data used to develop the 319 assessment and management plan.




The data was compared to water quality criteria from multiple sources. We used Tribally adopted water quality standards (1999), Federally recommended criteria for our ecoregion, and Draft revised tribal standards to compare against our data to make the assessment of if the waters are impaired.


The Lac du Flambeau Tribe had a fairly extensive nonpoint source management program already under the 106 program. The Tribe adopted a shoreline protection code in 1999 that established, among other protections, a 75 foot set back for dwellings and prohibited cutting of vegetation outside of a 30 foot by 30 foot view corridor. Writing the management plan was mainly just fitting the Tribes existing program into EPA's framework.




This is a complicated slide and is only used here to show the complexity of jurisdiction for nonstructural controls in the Reservation. Fee, Allotted and Trust land are managed by multiple agencies. This slide only depicts management of fee land. Developing relationships with these agencies at the upper level and at staff level is critical. The fact that the Tribe has a code for Allotted and Trust land helps significantly when working with other governments.


Developing relationships with private groups is also important to get on the ground structural BMPs in place. The cranberry operation, seen in this slide, discharge into a Tribal Lake and studies have show that the cranberry operation has negative impact on this 1000 acre lake. But private groups are a bit harder to work with.

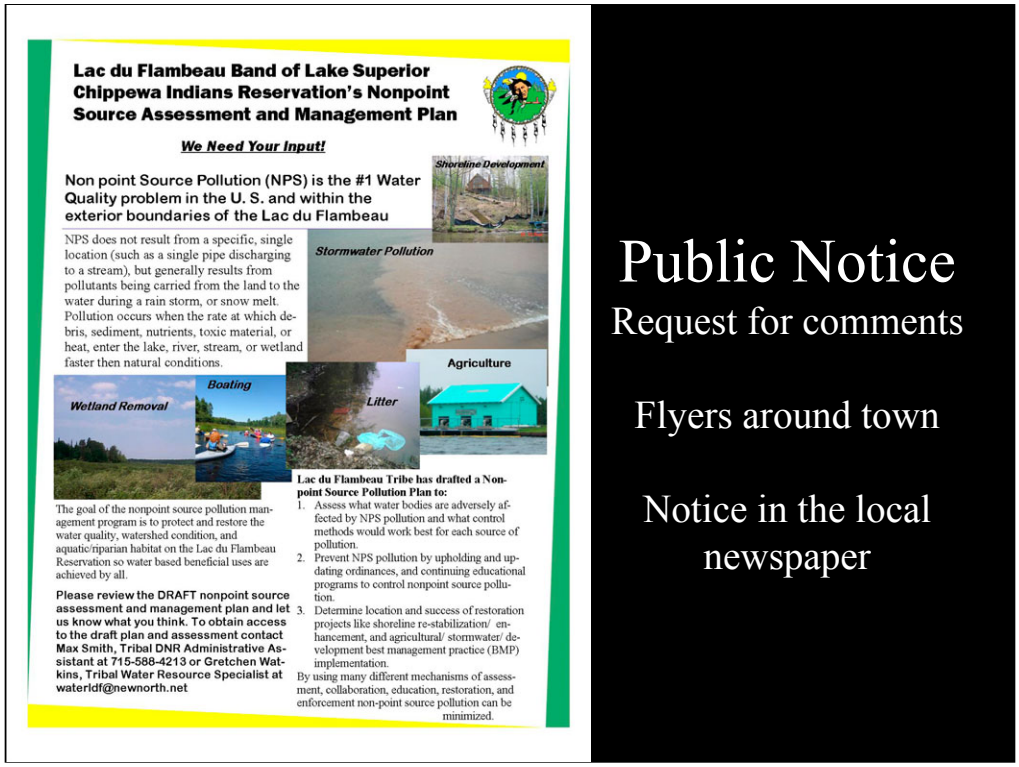
# Identify Areas to Restore

The tribe works with the tribal roads and forestry departments to identify areas to restore. Inter departmental partners are the easiest to work with.

# Restoration Demonstration Projects

This restoration demonstration project is in front of the casino where there was a large washout before. The Tribe has concentrated NRCS funding on these higher profile restoration projects. But in the future we hope to start working with outside partners under the 319 program.


Getting people on board with using BMPs is best done by education and outreach. We hold an annual lakefest and invite agencies and nonprofits working to protect lakes in the area. Approximately 30 groups display information at this event. This is a great time to casually talk at the staff level among agencies and also provides the community with information on how to protect lakes. The year we did the 319 assessment and management plan we displayed information at our booth about it and discussed it with the community.




The formal public notice for the 319 assessment and management plan was held for 30 days and flyers were placed around town and notice was placed in the local paper.

**The Cranberry growers commented The Assessment repeatedly refers to cranberry operations as a source of heavy metals in the Corn and Little Trout Lakes yet these heavy metals are not identified nor are the basis for the conclusion provided. In consultation with UW Madison Research Faculty and UW Extension Specialists we cannot identify one single material used in cranberry cultivation that would be a source of heavy metal contamination. We did observe concerns about mercury levels in Little Trout Lake. However the source for that mercury is identified as atmospheric deposition. Yet the assessment elsewhere implies that cranberry operations are the source of the mercury. We would speculate that atmospheric deposition is the primary source and runoff from all lands including tribal lands may serve as a secondary source. However to attribute it to growers is no more accurate than attributing it to any other landowner. We would ask that this be corrected.**

**Our response : "We attributed the elevated mercury in Little Trout Lake to the cranberry operations because the report titled "Environmental Changes in the Last Century in Little Trout Lake, Inkspot Bay, Great Corn and Little Corn Lakes, Lac du Flambeau Tribal Lands, Wisconsin.2000. found increased mercury in the sediments compared to surrounding lakes. The cranberry operations are the only source of pollution other then atmospheric. We reason that soil used by the cranberry growers is washed into the lake at an increased rate due to the high volume of water used by the cranberry growers. The mercury in the soil is natural or atmospherically deposited but with the increase in soil movement you get increased mercury.**

Only 2 groups picked up the assessment and management plan for review. We received comments from the cranberry growers and responded to them by making changes when we believed it was appropriate or justifying when we did not make a change. Here is an example of a justification of why we did not make a change as suggested by the cranberry growers. This is an important point b/c best management practices for cranberry growers focus on sedimentation ponds before discharging to the lake.

In general the comments focused on what the cranberry growers are doing across the state to deal with nonpoint source pollution. The *Nonpoint Source Management Program* was updated to reflect the best management programs the cranberry growers are currently working on developing. The Cranberry Association also pointed out some inaccuracies in the Assessment and changes were made accordingly.

**Example from response to comments:**

3. The Assessment incorrectly identifies flooding as a weed control practice in cranberry farming.
   *Removed the words weed control*

4. The Assessment states that cranberry production pollutes groundwater but provides no data or supporting material.
   *Removed the word groundwater*

Most of the comments from the cranberry growers were constructive and changes were made to the management plan accordingly.
The public participation process helped us communicate with a group that we normally run into obstacles with. It both helped us to understand some of their programs they use to reduce pollution and to open a door of communication.


Questions?